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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,851	03/28/2001	Susumu Yoshiwara		9525

7590

04/11/2003

Clyde I. Coughenour  
16607 Sutton Place  
Woodbridge, VA 22191

EXAMINER

AMIRI, NAHID

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/818,851

Applicant(s)

YOSHIWARA ET AL.

Examiner

Nahid Amiri

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3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16, 18-19 is/are rejected.
- 7) ☒ Claim(s) 7 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 August 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. <sup>1,487</sup>4,487,578 E. H. Kirkpatrick.

In regard to claim 1: Kirkpatrick discloses the claimed invention except the aggregate having a circumference in excess 5 cm. Kirkpatrick discloses FIG. 1, page 1 line 42-42, the block having upper, lower and sides surface, aggregated pieces extending in lower surface 10 of the block A, aggregate (crush rock) pieces are placed in form and cavities between the rock are filled with smaller rocks which create a firm contact with each other. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the rocks to have the circumference in excess of 5 cm to create firm contact between the rocks in order to transfer the vibration.

In regard to claim 2: Kirkpatrick discloses the claimed invention FIG. 2, a plurality of construction blocks in placed adjacent to one another where the one surface of one block is in direct contact with rock of the other adjacent block.

In regard to claims 6: Kirkpatrick discloses the claimed invention except aggregate material having coarse aggregate in excess of 20 cm and fine material between 5 and 20,. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the size of coarse aggregate with 20 cm and size of fine aggregate between 5 to 20 cm in order to create the block with resistance against outside force.

In regard to claim 8-12: Kirkpatrick discloses the claimed invention except aggregate pieces with low quality material and slag, concrete chip and Sirasu. Kirkpatrick discloses the

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page 1, line 43-45 the aggregate pieces are crushed stone. It would have been obvious to one of ordinary skill in the art at the time of invention was made to have aggregate pieces from low quality material, slag, concrete chip and Sirasu material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice. *Ir re Leshin*, 125 USPQ 416.

In regard to claims 13-14, 18-19: Kirkpatrick discloses the claimed invention as stated above claims 1-2, 6, 8 except the process of forming the block. These claims recite the obvious method steps of forming the block.

Claims 3-5, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkpatrick in view of US Patent No. 464,562 R. Guastavino.

In regard to claims 3-5: Kirkpatrick discloses the claimed invention except the block is formed in the shape of parallelepiped which a plurality of blocks create the arch. Guastavino teaches FIG. 3-5, the block formed in parallelepiped and a plurality of block 7 is placed side by side to create the arch which intrados ends abutting each other and extrados ends spaced from each other and concrete within a space between the blocks extrados ends. It would have been an obvious matter of design choice to have different shape of tetrahedron, since applicant has not disclosed that specific shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Guastavino's block invention.

In regard to claims 15-16: Kirkpatrick discloses the claimed invention as stated above claims 3-5 except the process of forming the block. These claims recite the obvious method steps of forming the block.

#### ***Allowable Subject Matter***

Claims 7 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

The prior art fail to provided the following applicant's claim invention of a **block having a tube therein which extend from one side to another side and method of placing a tube within the mold with aggregated pieces to create a conduit for prestress means within the block.**

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

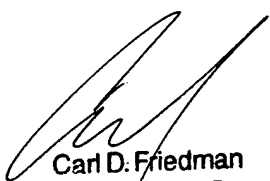
US Patent No. 6,230,409 B1 Billings et al.

US Patent No. 5,637,236 Lowe

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9326. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na 

April 3, 2003

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600